IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15787 of 2005

Between:

K.Krishnarjuna Rao, S/o.Late Pullaiah,
R/o.Lakshmipuram, Burgampad Mandal, Khammam district.

..... PETITIONER

AND

1 The District Collector, Khammam.
2 The Joint Collector, Khammam.
3 The Reliance Industries Ltd., (Petrol Division), Rep by its Territory

Manager, Shanthi Plaza, 1st floor, Near Benz Circle, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1 and 2nde respondent herein allowing the 3rd respondent to establish Retail outlet (Petrol & 2nd Respondent here in allowing the 3rd Respondent to establish Retail outlet (Petrol /Diesel Pump) at Laxmipuram (V) of Bhurgampad (M) of Khamamm district on Kothagudem-Badrachalam Road (Vijayawada-Jagdalpur National High Way No.221) as illegal, arbitrary and against the conditions imposed by the Petroleum Corporation and also against the norms issued by the Government of India (Ministry of road Transport and Highways) and consequently direct the respondents 1 & 2 herein not to grant "No Objection

Certificate" in favour of the 3rd respondent herein allowing him to establish Retail outlet (Petrol/Diesel Pump) at Laxmipuram (V) of Bhurgampad (M) of Khammam district, on Kothagudem-Badrachalam Road (Vijayawada-Jagdalpur National High way No: 211).

Counsel for the Petitioner: MR.JITENDER RAO VEERAMALLA

Counsel for the Respondent Nos. 1 & 2: GP FOR REVENUE

Counsel for the Respondent No.3: --N.P.—

The Court, at the stage of admission, made the following:

Oral order:-

This writ petition is filed seeking a direction to the 1st and 2nd respondents not to grant 'No objection certificate' in favour of the 3rd respondent allowing him to establish retail outlet (Petrol/Diesel Pump) at Laxmipuram village of Bhurgampad Mandal of Khammam district on Kothagudem Badrachalam road (Vijayawada-Jagadalpur National High Way No. 221).

The petitioner started his Indian Oil Corporation retail outlet (Petrol/Diesel Pump) at Laxmipuram village of Bhurgampad mandal of Khammam district in the year 1998. While so, by the circular dated 17-10-2003, the Government of India issued certain norms for establishing petrol pumps on the highways. The complaint of the petitioner is that the 3rd respondent also made application for issuing licence to start a retail outlet at a distance less than one kilo meter from the existing outlet of the petitioner.

The petitioner submits, that as per the circular, the 'No objection Certificate' in favour of the 3rd respondent shall not be issued for the reason that the distance of the retail outlet of the petitioner and the proposed outlet to be established by the 3rd respondent is less than one kilometer.

The inquiry has not yet been completed and permission is not yet accorded for establishment of the proposed outlet by the 3rd respondent. Only after satisfying all the norms, the official respondents will accord permission for establishment of the proposed outlet. The question of issuing 'no objection certificate' would arise only after fulfilling all the norms prescribed in the circular dated 17-10-2003. It is too early to expect that the official respondents are issuing 'no objection certificate' in favour of the 3rd respondent for establishment of the proposed retail outlet. In the circumstances, there is no merit in the writ petition for interference.

However, the petitioner is entitled to approach the appropriate forum, if so advised, to raise the issue as and when 'no objection certificate' is issued by the official respondents in favour of the 3rd respondent without following the instructions issued

in the circular dated 17-10-2003.

The writ petition is disposed of as above. No costs.

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ELIPE DHARMA RAO, J

Dated: 20-07-2005

Pvks/*

Nb:- Furnish c.c. in three days.

B/o pvks/*

To

1 The District Collector, Khammam.
2 The Joint Collector, Khammam.
3 The Territory Manager, Reliance Industries Ltd., (Petrol Division), Shanthi

Plaza, 1st floor, Near Benz Circle, Vijayawada.

4. 2CCs., to the learned Government Pleader for Revenue, A.P. High

Court Buildings, Hyderabad (OUT)

5. 2 CD copies

*Form-NIC-OGS/WP{**TRR**}*